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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,159

08/25/2003

Regis Gallet

179.041

3549

26067

7590

04/06/2007

HEXCEL CORPORATION
11711 DUBLIN BOULEVARD
DUBLIN, CA 94568

EXAMINER

CROUSE, BRETT ALAN

ART UNIT

PAPER NUMBER

1774

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/648,159	Applicant(s) GALLET ET AL.	
	Examiner Brett A. Crouse	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 7-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,3,14,16,17,19,20,21,22,23 stand rejected under 35 U.S.C. 102(b) as being anticipated by (Hayashi et al., US 5,698,725) hereinafter known as Hayashi for reasons of record set forth in the office action of 20 November 2006.

The rejection is maintained.

Claims 1-3, 7-12, 14-17, 19, 20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by (Urech et al., US 4,908,273) hereinafter known as Urech for reasons of record set forth in the office action of 20 November 2006.

The rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,3,13,14,15,16,17,19,20,21,22,23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (Hayashi et al., US 5,698,725) hereinafter known as Hayashi as applied to claims 1,2,3,14,16,17,19,20,21,22,23 above, and further in view of (Zweben et al., US 4,888,247) hereinafter known as Zweben for reasons of record set forth in the office action of 20 November 2006.

The rejection is maintained.

Claims 1,2,3,9,12,14,16,17,19,20,21,22,23,24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (Hayashi et al., US 5,698,725) hereinafter known as Hayashi as applied to claim 1,2,3,14,16,17,19,20,21,22,23 above, and further in view of (Bales et al., US 5,268,055) hereinafter known as Bales for reasons of record set forth in the office action of 20 November 2006.

The rejection is maintained.

Claims 1,2,3,7,8,9,10,11,12,14,15,16,17,18,19,20,21,22,23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (Hayashi et al., US 5,698,725) hereinafter known as Hayashi as applied to claims 1,2,3,14,16,17,19,20,21,22,23 above, and further in view of (Hori et al., US 4,243,462) hereinafter known as Hori for reasons of record set forth in the office action of 20 November 2006.

The rejection is maintained.

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Claims 1-3 and 7-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (Hayashi et al., US 5,698,725) hereinafter known as Hayashi as applied to claim 1,2,3,14,16,17,19,20,21,22,23 above, and further in view of (Toshiharu et al., US 3,666,615) hereinafter known as Toshiharu for reasons of record set forth in the office action of 20 November 2006.

The rejection is maintained.

Claims 1-3, 7-17, 19, 20, and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (Urech et al., US 4,908,273) hereinafter known as Urech as applied to claim 1-3, 7-12, 14-17, 19, 20, and 23 above, and further in view of (Zweben et al., US 4,888,247) hereinafter known as Zweben for reasons of record set forth in the office action of 20 November 2006.

The rejection is maintained.

Claims 1-3, 7-12, 14-17, 19, 20, 23 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (Urech et al., US 4,908,273) hereinafter known as Urech as applied to claim 1-3, 7-12, 14-17, 19, 20, and 23 above, and further in view of (Bales et al., US 5,268,055) hereinafter known as Bales for reasons of record set forth in the office action of 20 November 2006.

The rejection is maintained.

Claims 1-3, 7-12, 14-20, and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (Urech et al., US 4,908,273) hereinafter known as Urech as applied to claim 1-3, 7-12, 14-17, 19, 20, and 23 above, and further in view of (Toshiharu et al., US 3,666,615) hereinafter known as Toshiharu for reasons of record set forth in the office action of 20 November 2006.

The rejection is maintained.

Response to Amendment

Applicant's arguments filed 16 February 2007 have been fully considered but they are not persuasive.

With respect to the rejections based on Hayashi and Urech as set forth in the office action of 20 November 2006 and as referenced above, it is unclear as to what additional components would materially affect the basic and novel characteristics of the claimed invention. Attention is directed to section 2111.03 of the MPEP with respect to the phrase "consisting essentially of", a portion of section 2111.03 of the MPEP is included below.

MPEP 2111.03 (excerpt):

The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials or steps "and those that do not materially affect the basic and novel characteristic(s)" of the claimed invention.

If an applicant contends that additional steps or materials in the prior art are excluded by the recitation of "consisting essentially of," applicant has the burden of showing that the

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introduction of additional steps or components would materially change the characteristics of applicant's invention.

In re De Lajarte, 337 F.2d 870, 143 USPQ256 (CCPA 1964).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett A. Crouse whose telephone number is 571-272-6494. The examiner can normally be reached on Monday - Friday 6:00AM - 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BAC


RENA DYE
SUPERVISORY PATENT EXAMINER
AU 1774